

From: "Marlow, Scott \(ATG\)" <ScottM4@ATG.WA.GOV>
To: "Fowlow, Jeffrey" <Fowlow.Jeffrey@epa.gov>
CC: "Leefers, Kristin" <Leefers.Kristin@epa.gov>
"Ingemansen, Dean" <Ingemansen.Dean@epa.gov>
Date: 3/22/2018 12:54:16 PM
Subject: RE: Pillon

I am in Olympia tomorrow, so perhaps we could meet up next Thursday. I think that the more of this that we get into stipulation form the easier and quicker your testimony will be and the easier and quicker the trial will be, so I greatly appreciate your help.

I am available all day on Thursday the 29th, so let me know what time will work for you and whether you would like to come here or have me come to your office.

Thanks again for all your help,

Scott

From: Fowlow, Jeffrey [mailto:Fowlow.Jeffrey@epa.gov]
Sent: Thursday, March 22, 2018 12:19 PM
To: Marlow, Scott (ATG) <ScottM4@ATG.WA.GOV>
Cc: Leefers, Kristin <Leefers.Kristin@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>
Subject: RE: Pillon

Yes. That makes sense.

I will be in Portland next Monday-Wednesday. I could meet you after that or tomorrow. I may ask my technical contractor's project manager to join us to help look up the answers more quickly.

I am copying Kris boss, Dean, as an FYI because Kris will be out then.

From: Marlow, Scott (ATG) [mailto:ScottM4@ATG.WA.GOV]
Sent: Thursday, March 22, 2018 12:13 PM
To: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
Subject: Pillon

Jeff

We seem to be on schedule and productively working towards our April 2, 2018 trial date! What does your schedule look like next week? I thought we could discuss your testimony and I could try to answer any questions that you might have. We could do this face to face or over the phone – whichever you would prefer. If a face to face meeting works best, I am happy to come to your office to make this as easy on you as possible.

In meetings with Mr. Pillon he continues to express his willingness to enter into stipulations regarding the actions and findings of people involved in the investigation. It appears that the litigation will focus on what those findings "mean" and whether they constitute a violation of the law – if that makes little to no sense to you worry not, my co-counsel and I are scratching our heads over this as well. The trial will be nothing if not entertaining.

With an eye towards streamlining your testimony as much as possible could you help me "translate" the sampling and testing language into clearer English that a judge might be able to understand? What I am envisioning is a series of stipulations that would read something like "USEPA staff and/or contractors took soil sample XXXXXXXX from location YYYYYYYYYY on the Pillon property. When scientifically tested that sample was determined to be hazardous waste as it exhibited characteristics of ignitability, corrosivity, reactivity and/or toxicity. Specifically sample XXXXXXXXX was found to _____."

Does that make sense and is that something that you could help me cull from the reports?

Let me know if you have any questions.

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